

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Public Services – Irrigation & CAD Department – Allegations of corruption against Sri D.Ramulu, formerly worked at District Scheduled Caste Services Co-operative Society, Vizianagaram on deputation and at present Dy.Executive Engineer (Retd.) – Convicted by the Orders of the Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam dated 29-07-2002 in C.C.No.5/98 –Dismissal Orders issued – S.L.P. filed in the Hon'ble Supreme Court of India vide Special Leave to Appeal(Crl) No.10127/2009 against the orders of Hon'ble High court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 – S.L.P. dismissed – Implement the orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 - Regularization of suspension period from 27-07-1997 to 30-03-2000 and dismissal period from 27-07-2004 to 31-07-2006 as Duty – Release of retirement benefits – Orders – Issued.

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**IRRIGATION & C.A.D. (IW:SERVICES-VI(1) DEPARTMENT**

**G.O.Rt.No 375.**

**Dated: 31-03-2010.**

**Read the following:-**

1. From the Director General, Anti Corruption Bureau, Hyderabad, Letter Rc.No.39/RCT-VVZ/97-S12, dated 10-04-1997.
2. G.O.Rt.No.803, irrigation & CAD (Ser.VI(1) Department, dated 26-06-1997.
3. G.O.Rt.No.237, Irrigation & CAD (Ser.VI(1) Department, dated 14-03-2000.
4. Judgement from the Hon'ble Court of Special Judge for ACB Cases-cum-III Addl. District & Sessions Judge, Visakhapatnam dated 29-07-2002 in C.C.No.5/98.
5. Interim Orders of Hon'ble High Court of A.P., Hyderabad dated 06-08-2002 in Criminal M.P.No.4660/2002 in Criminal Appeal No.893/2002.
6. G.O.Ms.No.122, Irrigation & CAD (Ser.VI(1) Department, dated 09-07-2004.
7. Judgement from the Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002.
8. Govt. Letter No.27429/Ser.VI(1)/2009-1, dated 18-11-2009.
9. Judgement from the Hon'ble Supreme Court of India, dated 07-01-2010 in Special Leave to Appeal (Crl.) No.10127/2009.
10. G.O.Ms.No.10, Irrigation & CAD (Ser.VI(1) Department, dated 03-02-2010.
11. From the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad, Letter No.Rc/ENC/S1(1)/19539/1997, dated 16-02-2010.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the Investigating Agency has informed that Sri D.Ramulu, formerly Deputy Executive Engineer of District Scheduled Caste Services Co-operative Society Limited was trapped on 11-03-1997 when he was demanded and accepted the bribe amount from the complainant for doing an official favour.

2. In the reference 2<sup>nd</sup> read above, the accused officer Sri D.Ramulu, Dy.Executive Engineer was placed under suspension in terms of sub-rule (1) (c ) of rule 8 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 in public interest from the date of communication of the order.

(P.T.O.)

3. In the reference 3<sup>rd</sup> read above, the accused officer Sri D.Ramulu, Dy.Executive Engineer was reinstated into service with immediate effect without prejudice to the prosecution pending Trial on the file of Special Judge for SPE & ACB Cases, Visakhapatnam.

4. In the reference 4<sup>th</sup> read above, the Hon'ble Court of Special Judge for ACB Cases-cum-III Additional District & Session Judge, Visakhapatnam in its orders dated 29-07-2002 in C.C.No.5/98 has passed orders that the accused officer was found guilty of the offences under section 7 and 13(1) (d) read with 13(2) of the Prevention of Corruption act, 1988 with which he was charged and he was convicted under Section 248(2) of Cr.P.C. He was also sentenced to undergo Rigorous Imprisonment for one year and also to pay a fine of Rs.1000/- and in default to suffer Simple Imprisonment for one month for the offence under section 7 of Prevention of Corruption Act, 1988. The accused officer was further sentenced to undergo Rigorous Imprisonment for one year and also to pay a fine of Rs.1000/- and in default to suffer imprisonment for one month for the offences under section 13(1)(d) of read with 13(2) of the Prevention of Corruption Act, 1988.. Both the substantive sentences of imprisonment shall run concurrently.

5. Aggrieved by the conviction orders, the accused officer has filed Criminal Appeal No.893/2002 before the Hon'ble High Court of A.P., Hyderabad. The Hon'ble High Court of A.P., Hyderabad in its Order dated 06-08-2002 in Criminal M.P.No.4660/2002 in Criminal Appeal No.893/2002 has passed orders to suspend the sentence of imprisonment of accused officer alone vide reference 5<sup>th</sup> read above.

6. In the reference 6<sup>th</sup> read above, Government have decided to dismiss Sri D.Ramulu, Dy.Executive Engineer from service. Accordingly, Sri D.Ramulu, Dy.Executive Engineer was dismissed from service.

7. In the reference 7<sup>th</sup> read above, the Hon'ble High Court of A.P., Hyderabad in its Orders dated 14-07-2009 in Criminal Appeal No.893/2002 has passed orders that when two views are possible in the evidence of the prosecution, the law is well settled that the view which is favourable to the accused should be adopted. This aspect of the case has not been dealt with by the trial Court in right perspective. Therefore, it cannot be said that the prosecution established its case with regard to demand and acceptance of bribe by the accused officer, beyond all reasonable doubt. Therefore, benefit of doubt should be given to the accused in the facts and circumstances of the case. The Criminal Appeal is, accordingly, allowed, setting aside the Judgement dated 29-07-2002 in C.C.No.5 of 1998 on the file of the Special Judge for ACB Cases, Visakhapatnam. The appellant/accused was found not guilty of the charges under Section 7 and 13(1)9d) read with 13(2) of the Prevention of Corruption Act, 1988, and he is accordingly acquitted of the same. The bail bonds of the appellant/accused shall stand cancelled and the fine amount, if any, paid by him shall be refunded to him forthwith.

8. In the reference 8<sup>th</sup> read above, the Special Officer, Learned Advocate-on-Records, A.P.Bhavan, New Delhi was requested to file an S.L.P., before the Hon'ble Supreme Court of India against the Orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002.

9. In the reference 9<sup>th</sup> read above, the Hon'ble Supreme Court of India in its Judgement dated 07-01-2010 has passed orders that "the Hon'ble Court do not find any ground to interfere with the order impugned in the present petition. Accordingly, the Special Leave Petition was dismissed".

Contnd..3.

10. In the reference 10<sup>th</sup> read above, orders were issued to implement the orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 in toto, subject to review on the decision of the appeal/petition pending before the Hon'ble Supreme Court of India.

11. In the reference 11<sup>th</sup> read above, while furnishing the representation of Sri D.Ramulu, Dy.Executive Engineer, the Engineer-in-Chief (AW), Hyderabad has requested to examine the representation of the individual at Government level and take necessary action for regularizing the suspension period from 27-07-1997 to date of his retirement i.e., 31-07-2006 as duty.

12. Government after careful examination of the entire issue, it has been decided to regularize the suspension period of Sri D.Ramulu, Dy.Executive Engineer (Retd.) from 27-07-1997 to 30-03-2000 and dismissal period from 27-07-2004 to 31-07-2006 as Duty under sub-rule (3) of rule 54-B of Fundamental Rules, as the suspension period was wholly unjustified, keeping in view the orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 and also the orders of Hon'ble Supreme Court of India dated 07-01-2010 in Special Leave to Appeal (Crl.) No.10127/2009 and also to release the pensionary benefits in respect of Sri D.Ramulu, Dy.Executive Engineer (Retd.), as the Government have already issued orders to implement the orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 vide reference 7<sup>th</sup> read above.

13. Therefore, Government hereby order that the suspension period from 27-07-1997 to 30-03-2000 and dismissal period from 27-07-2004 to 31-07-2006 in respect of Sri D.Ramulu, Deputy Executive Engineer (Retd.), formerly worked at District Scheduled Caste Services Co-operative Society Limited, Vizianagaram on deputation be treated as Duty under sub-rule (3) of rule 54-B of Fundamental Rules, as the suspension period was wholly unjustified, keeping in view the orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 and also the orders of Hon'ble Supreme Court of India dated 07-01-2010 in Special Leave to Appeal (Crl.) No.10127/2009 and also to release the pensionary benefits in respect of Sri D.Ramulu, Dy.Executive Engineer (Retd.), as the Government have already issued orders to implement the orders of Hon'ble High Court of A.P., Hyderabad dated 14-07-2009 in Criminal Appeal No.893/2002 vide reference 7<sup>th</sup> read above.

14. The Engineer-in-Chief (AW), Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.TUCKER**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri D.Ramulu, Dy.Executive Engineer (Retd.) through the  
Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad.  
The Engineer-in-Chief (AW), Irrigation & CAD Dept., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.  
The Director General, Anti-Corruption Bureau, Hyderabad.  
The Secretary to Vigilance Commissioner,  
A.P.Vigilance Commission, Hyderabad.  
SF/SCs.

//FORWARDED::BY ORDER//

**SECTION OFFICER**